



HIGH COURT OF JUDICATURE AT ALLAHABAD

APPLICATION U/S 528 BNSS No. - 11046 of 2026

Ankit

.....Applicant(s)

Versus

State of U.P. and Another

.....Opposite
Party(s)

Counsel for Applicant(s)	:	Ravi Shankar Tripathi
Counsel for Opposite Party(s)	:	G.A.

Court No. - 79

HON'BLE CHAWAN PRAKASH, J.

1. Case called out in the revised list.
2. Heard Sri Ravi Shankar Tripathi, learned Counsel for the applicant and learned A.G.A. for the State.
3. Vide order dated 26.3.2026, notice was issued to opposite party No. 2. As per the office report dated 8.4.2026 service report is awaited.
4. The instant application under Section 528 BNSS has been filed by the applicant with a prayer to quash the entire proceedings of Case No.14266 of 2025 (State Vs. Ajay and another) arising out of Case Crime No.178 of 2024, under Section 363 I.P.C., Police Station Ughaiti, District Budaun as well as charge-sheet dated 09.09.2024 and summoning order dated 06.06.2025 passed by Additional Civil Judge (Junior Division)/Judicial Magistrate, Court No.7, Budaun.
5. Learned counsel for the applicant submitted that the applicant is not named in the FIR and has been falsely implicated in the present case. It is further submitted that the allegations made in the FIR against the co-accused, Ajay and Vijay, are that they abducted the first informant's daughter (victim) from her lawful custody and that she was a minor at the time of the incident. After investigation, charge sheet has been filed under Section 363 I.P.C. However, there is no evidence to show that the applicant abducted the victim from the lawful guardianship of her mother.

6. Learned Counsel for the applicant submits that the victim, in her statements recorded under Sections 161 and 164 Cr.P.C., has not stated a single word against the applicant to the effect that he kidnapped or abducted her, or she left her house with him. He further submits that the Investigating Officer has filed the charge-sheet without any proper evidence, therefore, the entire proceedings are a sheer abuse of the process of law.

7. Matter requires consideration.

8. List on 10.07.2026 along with the service report, before appropriate Bench.

9. In the meantime, learned counsel for the parties shall file their respective affidavits, if any.

10. Till the next date of listing, further proceedings of the aforesaid case shall remain stayed against the applicant only.

11. This matter shall not be treated as tied up or part heard to this Bench.

(Chawan Prakash,J.)

May 8, 2026
Md Faisal